

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

INSIGHT TRADING, LLC

v.

STX PAN OCEAN CO., LTD.

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§

C.A. No. 13-864  
ADMIRALTY

**INDEX**

1. List of Counsel
2. Docket Sheet
3. Plaintiff's Original Petition
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6. Notice of Intention to Take Deposition by Written Questions



IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
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ADMIRALTY

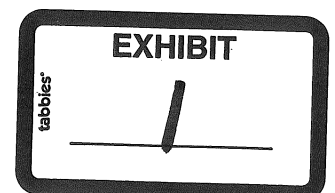
**LIST OF COUNSEL**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW Defendant STX PAN OCEAN CO., LTD., in the above entitled and numbered cause of action, and provides a list of the following counsel in this matter:

Dana K. Martin  
[dmartin@hillrivkins.com](mailto:dmartin@hillrivkins.com)  
Tim R. Sutherland  
[tsutherland@hillrivkins.com](mailto:tsutherland@hillrivkins.com)  
HILL RIVKINS LLP  
55 Waugh Drive, Suite 1200  
Houston, Texas 77007  
Telephone: (713) 222-1515  
Facsimile: (713) 222-1359  
***Attorneys for Plaintiff***

David R. Walker  
[David.Walker@roystonlaw.com](mailto:David.Walker@roystonlaw.com)  
Richard A. Branca  
[Richard.Branca@roystonlaw.com](mailto:Richard.Branca@roystonlaw.com)  
ROYSTON, RAYZOR, VICKERY & WILLIAMS, L.L.P.  
Pennzoil Place  
711 Louisiana, Suite 500  
Houston, Texas 77002-2713  
Telephone: (713) 224-8380  
Facsimile: (713) 225-9945  
***Attorneys for Defendant***



Respectfully submitted,

/s/ Richard A. Branca

David R. Walker

State Bar No. 20696800

Federal ID No. 2827

David.Walker@roystonlaw.com

Richard A. Branca

Federal I.D. No. 828076

State Bar No.: 24067177

Richard.Branca@roystonlaw.com

Pennzoil Place

711 Louisiana, Suite 500

Houston, Texas 77002-2713

Telephone: (713) 224-8380

Facsimile: (713) 225-9945

**ATTORNEYS FOR DEFENDANT  
STX PAN OCEAN CO., LTD.**

OF COUNSEL:

ROYSTON, RAYZOR, VICKERY & WILLIAMS, L.L.P.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served upon the below listed counsel of record *via* U.S. certified mail, return receipt requested on this 27th day of March, 2013.




Dana K. Martin  
Tim R. Sutherland  
HILL RIVKINS LLP  
55 Waugh Drive, Suite 1200  
Houston, Texas 77007

/s/ Richard A. Branca

OF ROYSTON RAYZOR VICKERY & WILLIAMS LLP

Notes Color Key:	Private	Court	Docket Sheet
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Print

Case: 201310739 - 7    Status: Active - Civil Court: 133 File Dt: 2/22/2013  
 Type: CONTRACT  
 Style: INSIGHT TRADING LLC vs STX PAN OCEAN CO LTD

Docket Sheet Entries

Add

Save/Group

Total Items: 0

Note Type Filter:

Active	Posting Date	Comments	Last Mod User	History	Group
No Items Found					
1					

Trial Settings

Add

Active	Signed Date	Comments	Last Mod User	History	Group
No Items Found					
1					

EXHIBIT

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RECEIPT NUMBER 455554 0.00  
 TRACKING NUMBER 72877672 ATV

CAUSE NUMBER 201310739

PLAINTIFF: INSIGHT TRADING LLC  
 vs.  
 DEFENDANT: STX PAN OCEAN CO LTD

In The 133rd  
 Judicial District Court of  
 Harris County, Texas

## CITATION CORPORATE

THE STATE OF TEXAS  
 County of Harris

DELIVERED  
3/5/2013  
 By UT-SCM215  
 Austin Process, LLC

TO: STX PAN OCEAN CO LTD (FOREIGN CORPORATION) MAY BE SERVED THROUGH ITS  
 REGISTERED AGENT CORPORATION SERVICE COMPANY DBA CSC-LAWYERS INCO  
 211 E 7TH STREET SUITE 620 AUSTIN TX 78701

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION

This instrument was filed on the 22nd day of February, 20 13, in the  
 above cited cause number and court. The instrument attached describes the claim against you.

**YOU HAVE BEEN SUED;** you may employ an attorney. If you or your attorney do not file a written answer with the  
 District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were  
 served this citation and petition, a default judgment may be taken against you.

## TO OFFICER SERVING:

This Citation was issued under my hand and seal of said Court, at Houston, Texas, this 27th day of  
February, 20 13.

Issued at request of:  
 SUTHERLAND, TIMOTHY RUSSELL  
 55 WAUGH DR SUITE 1200  
 HOUSTON, TX 77007  
 Tel: (713) 457-2294  
 Bar Number: 24079824



*Chris Daniel*  
 CHRIS DANIEL, District Clerk  
 Harris County, Texas  
 201 Caroline, Houston, Texas 77002  
 P.O. Box 4651, Houston, Texas 77210

Generated by: CUERO, NELSON 7MM/7MM/9505838

## OFFICER/AUTHORIZED PERSON RETURN

I received this citation on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., endorsed  
 the date of delivery thereon, and executed it at \_\_\_\_\_  
 (street address) (city)

in \_\_\_\_\_ County, Texas on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.,  
 by delivering to \_\_\_\_\_  
 (the defendant corporation named in citation)

\_\_\_\_\_, in person, whose name is \_\_\_\_\_

(registered agent, president, or vice-president)

a true copy of this citation, with a copy of the \_\_\_\_\_ Petition attached,  
 (description of petition, e.g., "Plaintiff's Original")

and with accompanying copies of \_\_\_\_\_  
 (additional documents, if any, delivered with the petition)

I certify that the facts stated in this return are true by my signature below on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

FEE: \$ \_\_\_\_\_

By: \_\_\_\_\_  
 (signature of officer)

Printed Name: \_\_\_\_\_

As Deputy for: \_\_\_\_\_  
 (printed name & title of sheriff or constable)

Affiant Other Than Officer

On this day, \_\_\_\_\_, known to me to be the person whose signature  
 appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was  
 executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Notary Public

N.INT.CITCP

NOTARY PUBLIC

EXHIBIT

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2013-10739 / Court: 133

Filed 13 February 22 P12:12  
Chris Daniel - District Clerk  
Harris County  
ED101J017340820  
By: Nelson Cuero

C.A No.: \_\_\_\_\_

INSIGHT TRADING, LLC

Plaintiff

v.

STX PAN OCEAN CO., LTD.

Defendant

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IN THE DISTRICT COURT

OF HARRIS COUNTY, TEXAS

\_\_\_\_ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION**

1. COMES NOW, Insight Trading, LLC, Plaintiff herein, by and through the undersigned counsel, complaining of STX Pan Ocean Co., Ltd., Defendant herein, and for its causes of action would show the Court as follows, upon information and belief:

**A.**

**DISCOVERY LEVEL**

2. Plaintiff intends that discovery be conducted under Level 1 and affirmatively pleads that it seeks monetary relief aggregating less than \$100,000.00.

**B.**

**PARTIES**

3. Plaintiff, Insight Trading, LLC, ("Insight"), is a Delaware limited liability company or other business entity, with its principal place of business in Houston, and a certificate of authority to do business in Texas, which is a international steel trader which regularly purchases and sells steel cargoes which are delivered by ocean vessel and inland conveyance to and from the United States and Texas.

4. Defendant, STX Pan Ocean Co., Ltd., ("STX") is a foreign corporation, or similar entity, which regularly does business in Texas and/or the United States as a common carrier of goods,

which maintains a registered agent in Texas upon whom service may be made, and thus may be served through its registered agent, Corporation Service Company dba CSC – Lawyers Inco, 211 E. 7<sup>th</sup> Street, Suite 620, Austin, Texas 78701.

**JURISDICTION & VENUE**

5. This court has subject-matter jurisdiction as the amount in controversy exceeds \$500.00 and the causes of action do not fall within the exclusive jurisdiction of any other court of this state. Venue is proper in Harris county, pursuant to Section 15.002(a)(1) of the Texas Civil Practice & Remedies Code, because Harris County is where all or a substantial part of the events giving rise to this claim occurred.

**D.**

**CAUSE 1 – UNITED STATES CARRIAGE OF GOODS BY SEA ACT**

6. At and during all the times hereinafter mentioned, STX was, and now is, engaged in business as a common carrier of merchandise by water for hire, and owned, operated, managed, chartered and/or controlled the M/V Nan Hai which carried the cargo in question from Manila, Philippines to Houston, Texas.

7. On or about November 14, 2011, and at the port of Manila, Philippines there was delivered to the M/V Nan Hai, and STX, in good order and condition, a shipment of steel pipe (“cargo”) which STX received, accepted and agreed to load, stow, carry, discharge and deliver, for certain consideration, to the Port of Houston, Texas.

8. At the Port of Manila, Philippines, STX and/or its subcontracted agents and Supercargo(s) or Port Captain(s), negligently loaded the cargo, causing it physical damage, and loading the cargo in such a fashion which would not provide for the cargo to withstand the normal rigors of the contemplated sea transit. This negligence caused, and/or contributed to, the damages found to have occurred to Plaintiff’s cargo when the vessel arrived in Houston.

9. Thereafter, the said vessel arrived at the Port of Houston, where the cargo was delivered damaged by water, seawater and/or physically damaged. On information and belief, STX negligently supervised the handling of Plaintiff's cargo, and/or improperly and unreasonably stowed Plaintiff's steel pipe cargo, causing it to be physically damaged, and contributing to the cargo damages found to have occurred when the cargo arrived in Houston.

10. By reason of the premises, STX breached, failed and violated its duties and obligations as a common carrier, and as a cargo loading, stowage, discharge, and delivery supervisor, and was otherwise at fault.

E.  
**CAUSE 2 - BAILMENT**

11. Plaintiff reiterates all paragraphs above as if completely restated herein. Plaintiff further alleges, in the alternative and without waiving the above cause of action, that STX was a bailee of the plaintiff's cargo of steel pipes, before, and/or after, the cargo's delivery to STX at the Port of Manila, Philippines for carriage to Houston, Texas. The bailment for mutual benefit between the plaintiff/cargo interests and the defendants was made express by oral contract, written contract, the bills of lading, or alternatively, was an implied contract.

12. The defendant delivered the cargo in a damaged condition which did not exist at the time of the plaintiff's/bailor's delivery to the bailee, and STX breached its duties and obligations as a bailee and was negligent.

F.  
**DAMAGES**

13. Despite the fact that plaintiff gave notice of the claim to defendant and demanded payment, and despite the fact that all conditions precedent have been performed or have occurred, no payment has been made by the defendant and the plaintiffs have been damaged in the sum of EIGHTY-FIVE THOUSAND FOUR HUNDRED SIXTY-SEVEN AND 86/100 DOLLARS (\$85,467.86).



**G.**  
**ATTORNEY'S FEES**

14. Plaintiff, by its duly authorized representatives, presented its claim for the said damages to defendants and their duly authorized agents, more than thirty (30) days ago, but the said claim has not been paid or satisfied. Plaintiff has incurred, and will incur, in the prosecution of its claim, and of this suit, reasonable attorneys' fees in the amount of \$10,000 for which demand is made under Chapter 38 of the Tex. Civ. Practice & Rem. Code.

**H.**  
**JURY DEMAND**

15. Plaintiffs demand a "jury trial" and tender the appropriate fee with this petition.

**I.**  
**CONDITIONS PRECEDENT**

16. Plaintiff has duly performed all duties and obligations on its part to be performed.

**J.**  
**REQUESTS FOR DISCLOSURE**

17. Pursuant to Tex. R. Civ. P. 194, plaintiffs request that defendant disclose, within fifty (50) days of the date of service of this request, the information or material described in Rule 194.2(a-1).

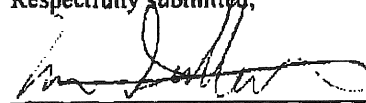
**K.**  
**REAL PARTIES IN INTEREST**

18. Plaintiff was the consignee or owner of the shipment, as described in Schedule A, and, brings this action on its own behalf and, as agent and trustee, on behalf of, and for, the interest of all parties who may be, or become, interested in the said shipment, as their respective interests may ultimately appear, and plaintiff is entitled to maintain this action.

**L.**  
**PRAYER**

19. For these reasons, plaintiff asks that the court: a) issue citation for defendant to appear and answer, that plaintiff be awarded: b) a judgment against defendant in the principal amount of \$85,467.86, c) prejudgment and post-judgment interest at the maximum legal rate, d) reasonable and necessary attorney's fees, including those for any appeals, and e) all costs of court; and f) for such other and further relief, both at law and in equity, to which plaintiff may show itself to be justly entitled.

Respectfully submitted,



DANA K. MARTIN  
Texas Bar No. 13057830  
TIM R. SUTHERLAND  
Texas Bar No. 24079824  
55 Waugh Drive, Suite 1200  
Houston, Texas 77007  
HILL RIVKINS LLP  
Telephone: (713) 222-1515  
Direct Line: (713) 457-2287  
Telefax: (713) 222-1359  
e-mail: [dmartin@hillrivkins.com](mailto:dmartin@hillrivkins.com)

ATTORNEYS FOR PLAINTIFF  
INSIGHT TRADING, LLC



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.  
Witness my official hand and seal of office  
this February 22, 2013

Certified Document Number: 54813851 Total Pages: 5

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com



**CHRIS DANIEL**  
HARRIS COUNTY DISTRICT CLERK

**CIVIL PROCESS PICK-UP FOR**

**2013 10739**

CAUSE NUMBER: \_\_\_\_\_

ATY ☒ CIV \_\_\_\_\_

CIV \_\_\_\_\_

COURT 13

RECORDER'S MEMORANDUM  
This instrument is of poor quality  
at the time of imaging

**REQUESTING ATTORNEY/FIRM NOTIFICATION**

Attorney: Timothy Russell Sutherland Phone: 713 222 1515  
Civil Process Server/Filer: Grace Solis Phone: 713 497 2291  
Attorney/Firm Notified Service Ready: \_\_\_\_\_ Date: February 27, 2013  
Contacted By: Nelson Cuero  
Deputy District Clerk  
30<sup>th</sup> day after date of Issuance 03-29-2013

Type of Service Document: <u>CITC</u>	Tracking number: <u>72877672</u>
Type of Service Document: _____	Tracking number: _____
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Type of Service Document: _____	Tracking number: _____
Type of Service Document: _____	Tracking number: _____

The above process papers were prepared by:

Nelson Cuero  
Deputy District Clerk

On this the 27th day of February, 2013,

Process papers released to: Roy Pless

Process papers released by: \_\_\_\_\_

On this the 27 day of Feb, 2013 at 1207 AM/PM

**EXHIBIT**

4



**CHRIS DANIEL**  
HARRIS COUNTY DISTRICT CLERK

**CIVIL PROCESS PICK-UP FOR**

**2013 10739**

CAUSE NUMBER: \_\_\_\_\_

ATY ☒ \_\_\_\_\_

CIV \_\_\_\_\_

COURT 13

**RECORDER'S MEMORANDUM**  
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at the time of imaging

**REQUESTING ATTORNEY/FIRM NOTIFICATION**

Attorney: Timothy Russell Sutherland Phone: 713 222 1515  
Civil Process Server/Filer: Grace Solis Phone: 713 457 2291  
Attorney/Firm Notified Service Ready: \_\_\_\_\_ Date: February 27, 2013  
Contacted By: Nelson Cuero  
Deputy District Clerk  
30<sup>th</sup> day after date of Issuance 03-29-2013

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Type of Service Document: _____	Tracking number: _____

The above process papers were prepared by:

Nelson Cuero

Deputy District Clerk

On this the 27th day of February 2013,

Process papers released to: Ray Pless

Process papers released by: \_\_\_\_\_

On this the 27 day of Feb, 2013 at 1207 AM/PM

**AFFIDAVIT OF SERVICE**

State of Texas

County of Harris

133rd Judicial District Court

Case Number: 2013-10739

Plaintiff:

Insight Trading, LLC

vs.

Defendant:

STX Pan Ocean Co Ltd.

For:

Hill Rivkins LLP

55 Waugh Drive

Suite 1200

Houston, TX 77007

**FILED**  
Chris Daniel  
District Clerk  
MAR 8 2013  
Time: \_\_\_\_\_  
By: \_\_\_\_\_  
Harris County, Texas  
Deputy

Received by Austin Process LLC on the 4th day of March, 2013 at 12:09 pm to be served on STX Pan Ocean Co Ltd by serving its registered agent, Corporation Service Company, 211 E. 7th Street, Ste. 620, Austin, TX 78701.

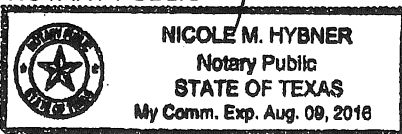
I, Mike Techow, being duly sworn, depose and say that on the 5th day of March, 2013 at 2:40 pm, I:

delivered to **REGISTERED AGENT** by delivering a true copy of the Citation and Plaintiff's Original Petition with the date of service endorsed thereon by me, to: **Kelly Courtney, Corporation Service Company as Registered Agent** at the address of: **211 E. 7th Street, Ste. 620, Austin, TX 78701** on behalf of STX Pan Ocean Co Ltd, and informed said person of the contents therein, in compliance with state statutes.

I certify that I am over the age of 18, of sound mind, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was delivered. The facts stated in this affidavit are within my personal knowledge and are true and correct.

Subscribed and Sworn to before me on the 5th day of March, 2013 by the affiant who is personally known to me.

NOTARY PUBLIC



*[Signature]*

Mike Techow  
SCH-1215, Exp. 7/31/14

Austin Process LLC  
809 Nueces  
Austin, TX 78701  
(512) 480-8071

Our Job Serial Number: MST-2013000946  
Ref: Insight Trading LLC





No. 2013-10739

INSIGHT TRADING, LLC

IN THE DISTRICT COURT OF

vs.

HARRIS COUNTY, TEXAS

STX PAN OCEAN CO., LTD.

133RD JUDICIAL DISTRICT

**NOTICE OF INTENTION  
TO TAKE DEPOSITION BY WRITTEN QUESTIONS**

To by and through their attorney(s) of record:

To other party/parties by and through their attorney(s) of record:

You will please take notice that twenty (20) days from the service of a copy hereof with attached questions, a deposition by written questions will be taken of Custodian of Records for:

**MARITECH COMMERCIAL, INC. (Any & All Records)**  
**1606 CLINTON DRIVE, 2ND FLOOR**  
**GALENA PARK, TX 77547**

**FILED**Chris Daniel  
District Clerk

MAR 11 2013

before a Notary Public for

**Republic Services, Inc.****4202 Sherwood****Houston, TX 77092****713-957-0094 Fax 713-957-0540**

Time: \_\_\_\_\_

Harris County, Texas

By \_\_\_\_\_

Deputy

or its designated agent, which deposition with attached questions may be used in evidence upon the trial of the above-styled and numbered cause pending in the above named court. Notice is further given that request is hereby made as authorized under Rule 200, Texas Rules of Civil Procedure, to the officer taking this deposition to issue a subpoena duces tecum and cause it to be served on the witness to produce any and all records as described on the attached questions and/or Exhibit(s) and any other such record in the possession, custody or control of the said witness, and every such record to which the witness may have access, pertaining to:

**EXHIBIT A**

and to turn all such records over to the officer authorized to take this deposition so that photographic reproductions of the same may be made and attached to said deposition.

**Dana K. Martin**  
**Hill Rivkins LLP**  
**55 Waugh Drive, Suite 1200**  
**Houston, TX 77007**  
**713-222-1515 Fax 713-222-1359**  
**Attorney for Plaintiff**  
**SBA # 13057830**

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to all Counsel of Record by hand delivery, FAX, and/or certified mail, return receipt requested, on this day.

Dated: \_\_\_\_\_

2/28/13

FILED  
CHRIS DANIEL  
DISTRICT CLERK

by \_\_\_\_\_

Order No. 65195

2013 MAR 11 PM 1:31

NO FEE FILING-C

**RECORDER'S MEMORANDUM**  
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**EXHIBIT**

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No. 2013-10739

INSIGHT TRADING, LLC

vs.

STX PAN OCEAN CO., LTD.

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

133RD JUDICIAL DISTRICT

**DIRECT QUESTIONS TO BE PROPOUNDED TO THE WITNESS**

Custodian of Records for: **MARITECH COMMERCIAL, INC.**

Records Pertaining To: **EXHIBIT A**

Type of Records: **Any and all records as described on the attached Exhibit A**

1. State your full name, address and occupation.

Answer: \_\_\_\_\_

2. Are you able to identify these records as the originals or true and correct copies of the originals?

Answer: \_\_\_\_\_

3. Were these records made and kept in the regular course of business?

Answer: \_\_\_\_\_

4. In the regular course of business, did the person who signed or otherwise prepared these records either have personal knowledge of the entries on these records or obtain the information from sources who have such personal knowledge to make such records?

Answer: \_\_\_\_\_

5. Are these records under your care, supervision, directions, custody or control?

Answer: \_\_\_\_\_

6. Are these records made at a time closely related to or simultaneous with the occurrence recorded on these records?

Answer: \_\_\_\_\_



7. Were these records kept as described in the previous questions?

Answer: \_\_\_\_\_

8. Please gather any and all of such records together and deliver same to the officer taking your deposition for inspection and photocopying. (This will be at no expense to you, and the officer will return the original records to you after they have been both inspected and copied.) Have you done as requested? If not, why not?

Answer: \_\_\_\_\_

\_\_\_\_\_  
WITNESS (Custodian of Records)

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument in the capacity therein stated, who being first duly sworn, stated upon his/her oath that the answers to the foregoing questions are true and correct. I further certify that the records attached hereto are exact duplicates of the original records.

SWORN TO AND SUBSCRIBED before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

Order No. 65195.002

**EXHIBIT "A"**

1. All survey reports concerning the discharge of the M/V Nan Hai on Nov. 14-21, 2011, and
2. Maritech Commercial's entire file concerning the discharge and delivery of the cargo from the M/V Nan Hai on Nov. 14-21, 2011, including copies of all color photographs in the file.
3. Any discharge reports and/or dock delivery receipts concerning the discharge and delivery of the cargo from the M/V Nan Hai on Nov. 14-21, 2011, including copies of all color photographs in the file.
4. All notes of protest and/or damage notifications filed by anyone concerning the cargoes discharged from the M/V Nan Hai on Nov. 14-21, 2011.
5. All communications between Maritech Commercial, Inc. and the vessel's P&I club, concerning the condition of the cargoes aboard the M/V Nan Hai upon discharge and delivery to the dock in Houston, Texas in November 2011.
6. All follow-up damage surveys concerning alleged damage to the Insight Trading cargo discharged from the M/V Nan Hai from Nov. 14, 2011 to the present, including copies of all color photographs in the file.

Unofficial Copy Office of Chris Daniel District Clerk

No. 2013-10739

INSIGHT TRADING, LLC

vs.

STX PAN OCEAN CO., LTD.

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

133RD JUDICIAL DISTRICT

**NOTICE OF INTENTION  
TO TAKE DEPOSITION BY WRITTEN QUESTIONS**

To by and through their attorney(s) of record:

To other party/parties by and through their attorney(s) of record:

You will please take notice that twenty (20) days from the service of a copy hereof with attached questions, a deposition by written questions will be taken of Custodian of Records for:

**CAMPANA MARINE SERVICE, LLC (Any & All Records)**  
**7009 ALMEDA ROAD, SUITE 1811**  
**HOUSTON, TX 77054**

before a Notary Public for **Republic Services, Inc.**  
**4202 Sherwood**  
**Houston, TX 77092**  
**713-957-0094 Fax 713-957-0540**

or its designated agent, which deposition with attached questions may be used in evidence upon the trial of the above-styled and numbered cause pending in the above named court. Notice is further given that request is hereby made as authorized under Rule 200, Texas Rules of Civil Procedure, to the officer taking this deposition to issue a subpoena duces tecum and cause it to be served on the witness to produce any and all records as described on the attached questions and/or Exhibit(s) and any other such record in the possession, custody or control of the said witness, and every such record to which the witness may have access, pertaining to:

**EXHIBIT A**

and to turn all such records over to the officer authorized to take this deposition so that photographic reproductions of the same may be made and attached to said deposition.

**Dana K. Martin**  
**Hill Rivkins LLP**  
**55 Waugh Drive, Suite 1200**  
**Houston, TX 77007**  
**713-222-1515 Fax 713-222-1359**  
**Attorney for Plaintiff**  
**SBA # 13057830**

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to all Counsel of Record by hand delivery, FAX, and/or certified mail, return receipt requested, on this day.

Dated: 2/28/13

FILED  
CHRIS DANIEL  
DISTRICT CLERK

by [Signature]

Order No. 65195

2013 MAR 11 PM 1:31

NO FEE FILING-C

No. 2013-10739

INSIGHT TRADING, LLC

vs.

STX PAN OCEAN CO., LTD.

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

133RD JUDICIAL DISTRICT

**DIRECT QUESTIONS TO BE PROPOUNDED TO THE WITNESS**

Custodian of Records for: **CAMPANA MARINE SERVICE, LLC**

Records Pertaining To: **EXHIBIT A**

Type of Records: **Any and all records as described on the attached Exhibit A**

1. State your full name, address and occupation.

Answer: \_\_\_\_\_

2. Are you able to identify these records as the originals or true and correct copies of the originals?

Answer: \_\_\_\_\_

3. Were these records made and kept in the regular course of business?

Answer: \_\_\_\_\_

4. In the regular course of business, did the person who signed or otherwise prepared these records either have personal knowledge of the entries on these records or obtain the information from sources who have such personal knowledge to make such records?

Answer: \_\_\_\_\_

5. Are these records under your care, supervision, directions, custody or control?

Answer: \_\_\_\_\_

6. Are these records made at a time closely related to or simultaneous with the occurrence recorded on these records?

Answer: \_\_\_\_\_

7. Were these records kept as described in the previous questions?

Answer: \_\_\_\_\_

8. Please gather any and all of such records together and deliver same to the officer taking your deposition for inspection and photocopying. (This will be at no expense to you, and the officer will return the original records to you after they have been both inspected and copied.) Have you done as requested? If not, why not?

Answer: \_\_\_\_\_

\_\_\_\_\_  
WITNESS (Custodian of Records)

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument in the capacity therein stated, who being first duly sworn, stated upon his/her oath that the answers to the foregoing questions are true and correct. I further certify that the records attached hereto are exact duplicates of the original records.

SWORN TO AND SUBSCRIBED before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

Order No. 65195.001

Unofficial Copy Office of Chris Daniel District Clerk

**EXHIBIT "A"**

1. All survey reports concerning the discharge of the M/V Nan Hai on Nov. 14-21, 2011, and
2. Campana Marine Service's entire file concerning the discharge and delivery of the cargo from the M/V Nan Hai on Nov. 14-21, 2011, including copies of all color photographs in the file.
3. Any discharge reports and/or dock delivery receipts concerning the discharge and delivery of the cargo from the M/V Nan Hai on Nov. 14-21, 2011, including copies of all color photographs in the file.
4. All notes of protest and/or damage notifications filed by anyone concerning the cargoes discharged from the M/V Nan Hai on Nov. 14-21, 2011.
5. All communications between Campana Marine Service and the vessel's interests, concerning the condition of the cargoes aboard the M/V Nan Hai upon discharge and delivery to the dock in Houston, Texas in November 2011.
6. All follow-up damage surveys concerning alleged damage to the Insight Trading cargo discharged from the M/V Nan Hai from Nov. 14, 2011 to the present, including copies of all color photographs in the file.

Unofficial Copy Office of Chris Daniel District Clerk